

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 212 Session of  
1993

INTRODUCED BY DeLUCA, FLICK, LaGROTTA, REBER, BEBKO-JONES,  
PESCI, TIGUE, TRELLO, GEIST, COLAFELLA, PISTELLA, STABACK,  
DALEY, HERSHEY, MIHALICH, KENNEY, FAJT, KIRKLAND, GIGLIOTTI,  
BELFANTI, PRESTON, ARMSTRONG, DONATUCCI, CLARK, JOSEPHS,  
LAUGHLIN, GERLACH, COLAIZZO AND KASUNIC, FEBRUARY 3, 1993

REFERRED TO COMMITTEE ON RULES, FEBRUARY 3, 1993

AN ACT

1 Regulating the release of information regarding patients of  
2 health care practitioners.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Definitions.

6 The following words and phrases when used in this act shall  
7 have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Health care practitioner." A physician as defined in the  
10 act of October 5, 1978 (P.L.1109, No.261), known as the  
11 Osteopathic Medical Practice Act, or a medical doctor as defined  
12 by the act of December 20, 1985 (P.L.457, No.112), known as the  
13 Medical Practice Act of 1985.

14 Section 2. Termination of practice.

15 (a) General rule.--A health care practitioner shall give  
16 written notice to each patient not later than 60 days prior to

1 leaving practice.

2 (b) Content of notice.--The notice required under subsection  
3 (a) shall include a statement that the patient's records are  
4 confidential and will not be sold or otherwise made available to  
5 another health care practitioner if the patient objects. The  
6 notice shall also include such additional information as the  
7 health care practitioner deems appropriate or as the health care  
8 practitioner's licensing board directs.

9 (c) Publication.--In addition to the notice required under  
10 subsection (a), a health care practitioner shall cause a similar  
11 notice to be published not later than 60 days prior to leaving  
12 practice in the same manner as notices of disciplinary action  
13 are published in accordance with section 810(a)(10) of the act  
14 of April 9, 1929 (P.L.177, No.175), known as The Administrative  
15 Code of 1929.

16 Section 3. Estates.

17 (a) General rule.--The estate of a health care practitioner  
18 shall give written notice to each patient not later than 60 days  
19 prior to selling the patient's records or otherwise making them  
20 available.

21 (b) Content of notice.--The notice required under subsection  
22 (a) shall include a statement that the patient's records are  
23 confidential and will not be sold or otherwise made available to  
24 another health care practitioner if the patient objects. The  
25 notice shall also include such additional information as the  
26 estate deems appropriate or as the deceased health care  
27 practitioner's licensing board directs.

28 (c) Publication.--In addition to the notice required under  
29 subsection (a), the estate shall cause a similar notice to be  
30 published not later than 60 days prior to selling the patient's

1 records or otherwise making them available to another health  
2 care practitioner in the same manner as notices of disciplinary  
3 action are published in accordance with section 810(a)(10) of  
4 the act of April 9, 1929 (P.L.177, No.175), known as The  
5 Administrative Code of 1929.

6 Section 4. Restrictions on transfer.

7 (a) Objection to practitioner.--A written notice from a  
8 patient to a health care practitioner objecting to having the  
9 patient's records sold or otherwise made available to another  
10 health care practitioner shall be sufficient to impose a duty on  
11 the patient's health care practitioner not to sell or otherwise  
12 make the records available to another health care practitioner  
13 if the written notice is received by the health care  
14 practitioner prior to the date on which the health care  
15 practitioner leaves practice or, if later, prior to the date on  
16 which the health care practitioner sells the records or  
17 otherwise makes them available to another health care  
18 practitioner.

19 (b) Objection to estate.--A written notice from a patient to  
20 the estate of a health care practitioner objecting to having the  
21 patient's records sold or otherwise made available to another  
22 health care practitioner shall be sufficient to impose a duty on  
23 the estate not to sell or otherwise make the records available  
24 to another health care practitioner if the written notice is  
25 received by the estate within 60 days after notice is given  
26 under section 3(a), within 60 days after publication under  
27 section 3(c) or prior to the date on which the estate sells the  
28 records or otherwise makes them available to another health care  
29 practitioner, whichever is later.

30 (c) Consent required for practitioner.--Unless the patient

1 consents in writing, a health care practitioner, in conjunction  
2 with leaving practice or otherwise, shall not sell a patient's  
3 records to a health care practitioner of another discipline or  
4 sell a patient's records other than in the course of a  
5 professional business transaction.

6 (d) Consent required for estate.--Unless the patient  
7 consents in writing, the estate of a health care practitioner  
8 shall not sell a patient's records to a health care practitioner  
9 of another discipline or sell a patient's records other than in  
10 the course of a professional business transaction.

11 Section 5. Penalty.

12 (a) Practitioner.--Any health care practitioner who  
13 knowingly sells or makes a patient's records available in  
14 violation of this act shall be subject to disciplinary action by  
15 the appropriate licensing board and shall be liable for any loss  
16 or damage suffered by the patient because of the violation.

17 (b) Estate.--The estate of a health care practitioner which  
18 knowingly sells or makes a patient's records available in  
19 violation of this act shall be liable for any loss or damage  
20 suffered by the patient because of the violation.

21 Section 6. Effective date.

22 This act shall take effect in 60 days.